

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WESLEY ELVIS PEDEN,

Plaintiff,

v.

COMCAST COMMUNICATIONS LLC,
et al.,

Defendants.

No. 2:22-cv-01551-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION DUE TO PLAINTIFF'S
FAILURE TO STATE A COGNIZABLE
CLAIM

(Doc. No. 5)

Plaintiff Wesley Elvis Peden, proceeding *pro se* and *in forma pauperis*, initiated this civil action on September 6, 2022. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 12, 2023, the assigned magistrate judge issued findings and recommendation recommending that this action be dismissed, without leave to amend, because plaintiff's first amended complaint fails to state a cognizable claim and fails to cure the jurisdictional deficiencies identified by the magistrate judge in the screening order dated April 14, 2023 (Doc. No. 3). (Doc. No. 5 at 2–3.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4.) On June 27, 2023, plaintiff filed objections to the pending findings and recommendations. (Doc. No. 6.)

1 In his objections, plaintiff does not substantively address the findings and
2 recommendations. Rather, plaintiff purports to attack the ethics of the “person responsible for the
3 recommendation to dismiss this case.” (Doc. No. 6.) The undersigned will disregard plaintiff’s
4 accusations as wholly inappropriate. Plaintiff’s objections simply provide no basis upon which to
5 reject the pending findings and recommendations.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
7 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s
8 objections, the court concludes that the findings and recommendations are supported by the
9 record and by proper analysis.

10 Accordingly:

- 11 1. The findings and recommendations issued on June 12, 2023 (Doc. No. 5) are
12 adopted in full;
- 13 2. This action is dismissed due to plaintiff’s failure to state a cognizable claim for
14 relief and failure to allege that this court has subject matter jurisdiction over
15 plaintiff’s claims; and
- 16 3. The Clerk of the Court is directed to close this case.

17 IT IS SO ORDERED.

18 Dated: July 20, 2023

19 
UNITED STATES DISTRICT JUDGE